

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTINE J. FORGUES,)	CASE NO. 1:15-CV-1670
)	
Plaintiff,)	JUDGE JAMES GWIN
)	
v.)	MAGISTRATE JUDGE MCHARGH
)	
SELECT PORTFOLIO SERVICING, INC.,)	
)	
Defendant.)	

**MOTION OF DEFENDANT SELECT PORTFOLIO SERVICING, INC.
FOR EXTENSION OF DISPOSITIVE MOTION DEADLINE**

Defendant Select Portfolio Servicing, Inc. (“SPS”) respectfully moves this Court for a short, seven-day extension of the dispositive motion deadline to allow for completion of discovery needed in advance of filing a motion for summary judgment. The reasons for this motion are set forth in the accompanying memorandum in support.

Respectfully submitted,

/s/ David A. Wallace

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SELECT PORTFOLIO SERVICING, INC.,)	
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Defendant.)	

**MEMORANDUM IN SUPPORT OF
DEFENDANT SELECT PORTFOLIO SERVICING, INC.'S
MOTION FOR SHORT EXTENSION OF DISPOSITIVE MOTION DEADLINE**

SPS served Interrogatories and Requests for the Production of Documents upon Forgues on October 29, 2015. Forgues' responses were due on December 1, 2015. On December 3, 2015, counsel for SPS wrote to Forgues asking her to provide responses to the discovery by December 11, 2015. SPS also agreed to limit the scope of its request for prior tax returns to the last five years. After the Court granted SPS's Motion to Dismiss on most of Forgues' claims, SPS's counsel wrote to Forgues on December 9, 2015 advising her SPS would withdraw the discovery requests related to the dismissed claims, which covered four interrogatories and seven requests for production. In response, Forgues advised counsel that she was working on the responses and would be providing "as much as she could" by Friday, December 11, 2015.

On December 10, 2015, however, Forgues wrote to SPS's counsel and stated she would not be providing responses and instead would be filing a motion for extension of time to respond to the discovery and to engage counsel. Forgues filed her motion on December 11, 2015 seeking an additional 60 days to respond to SPS's discovery requests and retain counsel. The Court

granted Forgues's motion, in part, giving her until January 15, 2016 to provide her discovery responses.

On or about January 15, 2016, counsel for SPS learned that Forgues had retained counsel. That day, John Herrera filed a motion for pro hac vice admission, which remains pending. At this time, Forgues sought an extension of time until January 27, 2016 to provide discovery responses to allow her counsel to become familiar with the file. Counsel for SPS agreed to the requested extension as a professional courtesy and the Court granted Forgues' motion. Just prior to midnight on January 27, 2016, Forgues served responses to discovery and several documents. Forgues objected to a number of interrogatories and requests for production that SPS respectfully submits were not objectionable. Thus, counsel for SPS wrote to Forgues on January 29, 2016 asking for supplementation of the discovery responses by February 2, 2016.

In addition, counsel for SPS sought to depose Forgues on February 18, 2016, which would have allowed sufficient time to obtain the transcript in advance of the dispositive motion deadline. However, Forgues' counsel is not available on February 18, 2016. New dates for the deposition have been requested, but no dates are yet confirmed. If the deposition is conducted after February 18, 2016, there may not be sufficient time to obtain the transcript and file a dispositive motion by the February 29, 2016 deadline. Thus, SPS respectfully requests the Court grant a seven-day extension of time, until March 7, 2016. This would make Forgues' response due on March 21, 2016. In order to minimize the delay and not unreasonably interfere with the Court's current case schedule, SPS agrees to shorten its time to file a reply to three days, making the reply brief due on March 24, 2016. The requested extension will only extend the briefing schedule by three days.

For these reasons, SPS respectfully requests that the Court extend the dispositive motion deadline to March 7, 2016.

Respectfully submitted,

/s/ David A. Wallace

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically on February 1, 2016. Notice was also sent by operation of the Court's electronic filing system to all other counsel who have entered an appearance and any parties who have entered an appearance through counsel. The parties may access this filing through the Court's ECF system.

A copy was also sent by First Class, U.S. Mail, postage prepaid, to Christine J. Forgues, 15109 Merrimeade Dr., Cleveland, Ohio 44111.

/s/ David A. Wallace
One of the Attorneys for
Defendant Select Portfolio Servicing, Inc.